

Appl. No. : 10/726,256
Filed : December 2, 2003

COMMENTS

Claims 33-41 and 43-46 remain pending in the present application, Claims 42 and 47 -72 having been canceled without prejudice or disclaimer, and Claims 36, 38 and 45 having been amended. The claims set forth above include marking to show the changes made by way of the present amendment, deletions being in ~~strikeout~~ and additions being underlined.

In response to the Office Action mailed February 14, 2006, Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Claim Objections and Allowable Subject Matter

Claims 42 and 63 stand objected to for containing informality. Applicants respectfully traverse the present objections. However, in order to expedite prosecution of the present application, Applicants have canceled Claims 42 and 63 without prejudice or disclaimer. Applicants expressly reserve the rights to further prosecute the original versions of Claims 42 and 63 through continuation practice.

Additionally, Applicants gratefully acknowledge the Examiner's indication that Claims 36, 38-41 and 45 would be allowable if amended into independent form. In response, Applicants have amended Claims 36, 38 and 45 into independent form. Specifically, Claim 36 has been amended into the independent form incorporating all of the recitations of Claim 33 which it depends upon. Claim 38 has been amended into the independent form incorporating all of the recitations of Claims 33 and 37 which it depends upon. Claim 45 has been amended into the independent form incorporating all of the recitations of Claim 33, 43 and 44 which it depends upon. Thus, Claims 36, 38-41 and 45 are in condition for allowance.

Finally, Applicants have canceled withdrawn Claims 47-62 and 69-72 solely to reduce the fees associated with this filing. Applicants expressly reserve the right to further prosecute the original versions of Claims 47-62 and 69-72 through continuation and divisional practice.

Ridgeway Does Not Anticipate Claims 33, 34 and 42

Claims 33, 34 and 42 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,852,743 issued to Ridgeway. Applicants respectfully traverse the present rejection. However, in order to expedite prosecution of the present application, Applicants have canceled Claim 42 without prejudice or disclaimer. Applicants expressly reserve the right to further prosecute the original version of Claims 33-46 through continuation practice.

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The Ridgeway reference teaches a pair of rigid frames 3 and 9. The frames 3 and 9 have openings covered with pliable and stretchable sheets 7 and 12, respectively. An article 6 is handled to be positioned between the stretchable sheet 7 and 12 of the rigid frames 3 and 9.

Ridgeway, however, does not disclose, either expressly or inherently, the nesting engagement of the two rigid frames. Rather, Ridgeway discloses that the frames 3 and 9 are spaced from each other. (Please see Fig. 2 of Ridgeway below.)

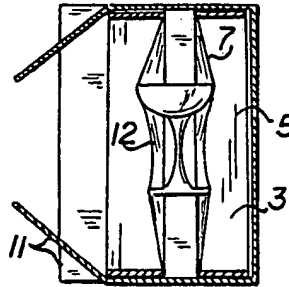


FIG. 2

In the packaging assembly of Claim 33, the first and second members are configured to nest with the first and second retention members facing each other. The English dictionary shows the definition of the term “nest” as “[a] set of objects of graduated size that can be stacked together, each fitting within a larger one” (Please see the copy of page 752 of Webster’s II New College Dictionary, Houghton Mifflin, 2005, which is attached hereto.)

In an exemplary embodiment in Fig. 8 below and the related description of the present application, it is stated that the subassemblies 10, 10' can be nested with each other when

stacked in an opposed arrangement. (Please see Fig. 8 and page 14, lines 22 and 23 of the present application.)

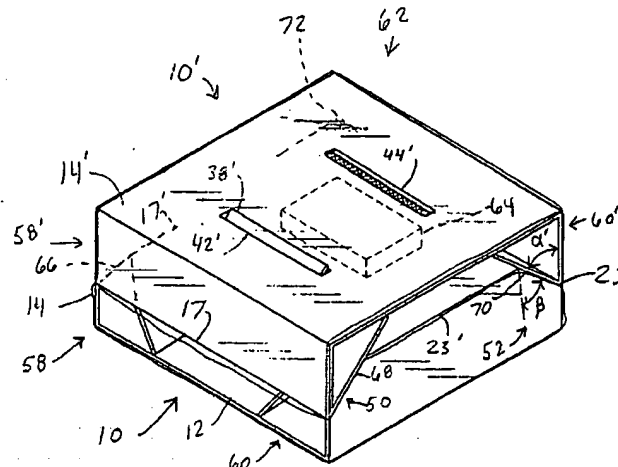


FIG. 8

In contrast with Ridgeway, Claim 33 now recites, among other recitations, “the first and second frame members being configured to nest with the first and second retention members facing each other.”

Applicants respectfully direct the Examiner to page 14, lines 21 to 27 of the specification of the present application which disclose that “[b]y providing at least one of the assemblies 10, 10' with tapered portions, such as tapered portions 66, 68, 70, 72, the subassemblies 10, 10' can be nested with each other when stacked in an opposed arrangement. By configuring the subassemblies 10, 10' to nest, as shown in Figure 8, the retention sleeves 14, 14' are further tightened and preferably stretched around the article 64 due to the nesting engagement of the peripherally extending structures 58', 60' with the tapered portions 66, 72 and 68, 70, respectively.”

Ridgeway fails to teach such a feature among other features of Claim 33. Thus, Applicants submit that Claim 33 clearly and non-obviously defines over the prior art.

Additionally, Applicants submit that Claim 34 also defines over the Ridgeway reference, not only because it depends from Claim 33, but also on its own merit.

Lofgren Does Not Anticipate Claims 33-35, 37, 42-44, 46 and 63-68

Claims 33-35, 37, 42-44, 46 and 63-68 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,668,506 issued to Lofgren. Applicants respectfully traverse the

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present rejection. However, in order to expedite prosecution of the present application, Applicants have canceled Claims 42 and 63-68 without prejudice or disclaimer. Applicants expressly reserve the rights to further prosecute the original versions of Claims 33-35, 37, 42-44, 46 and 63-68 through continuation practice.

Lofgren teaches a suspension package 10 having a stretchable hammock 16 supported by and extending between two end panels 14. The package 10 includes a base 12 and the first and second end panels 14. A product P is inserted in the hammock 16. The end panels 14 are supported by braces 18 which are removably attached to the base 12.

Lofgren, however, does not disclose, either expressly or inherently, the nesting engagement. Lofgren does not disclose any other structure having stretchable hammock and configured to nest with the structure described above.

In contrast, Claim 33 recites, among other recitations, "a first retention member extending between the first and second free edges, a second retention member extending between the third and fourth free edges, the first and second frame members being configured to nest with the first and second retention members facing each other."

As noted above, page 14, lines 21 to 27 of the specification of the present application disclose that "[b]y providing at least one of the assemblies 10, 10' with tapered portions, such as tapered portions 66, 68, 70, 72, the subassemblies 10, 10' can be nested with each other when stacked in an opposed arrangement. By configuring the subassemblies 10, 10' to nest, as shown in Figure 8, the retention sleeves 14, 14' are further tightened and preferably stretched around the article 64 due to the nesting engagement of the peripherally extending structures 58', 60' with the tapered portions 66, 72 and 68, 70, respectively."

Lofgren fails to teach such a feature among other features of Claim 33. Thus, Applicants submit that Claim 33 clearly and non-obviously defines over the prior art.

Additionally, Applicants submit that Claim 34, 35, 37, 41, 43, 44, and 46 also define over the Lofgren reference, not only because they depend from Claim 33, but also on their own merit.

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CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Respectfully submitted,

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Dated: May 15, 2006

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Attachment: The copy of page 752 of Webster's II New College Dictionary,
Houghton Mifflin, 2005

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Editorial and Preface

Elements of the Explanatory Notes
Abbreviations and Pronunciation

Webster's II New

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